

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
GOLTENS-NEW YORK CORP., and
GOLTENS WORLDWIDE MANAGEMENT
CORP.

Plaintiff,

- against -

NORMAN GOLTEN.,

Defendant.
-----X

:
:
:
:
:
:

07 Civ. 9711 (GBD) (HBP)

ECF Case

PLEASE TAKE NOTICE that upon the accompanying Plaintiff's Memorandum of Law in Support of His Motion to Dismiss the Complaint, and all other papers and proceedings had herein, defendant Norman Golten ("Golten") will move this Court, at such date and time determined by the Court, before The Honorable George B. Daniels, United States District Judge, at the United States Courthouse, 500 Pearl Street, New York, NY 10007, for an order pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure dismissing the complaint for the following reasons: (1) the Court does not have subject matter jurisdiction over the complaint, as the complaint fails to set forth a good faith basis to recover in excess of the \$75,000 jurisdictional amount; and (2) the complaint fails to set forth a cause of action for breach of contract, together with such other and further relief as this Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that defendant requests oral argument on the motion.

Dated: New York, New York
November 29, 2007

STORCH AMINI & MUNVES PC

By: /s/ Lita Beth Wright
Lita Beth Wright (LW 0442)
Jonathan Bardavid (JB 0072)
Two Grand Central Tower, 25th Floor
140 East 45th Street
New York, New York 10017
(212) 490-4100
Attorneys for Plaintiff

TO: Leslie Lupert, Esq. (LL 0955)
Thomas A. Brown, II, Esq. (TB 1642)
ORANS, ELSEN & LUPERT LLP
875 Third Avenue, 28th Floor
New York, New York 10022
(212) 586-2211
Attorneys for Plaintiffs